

★ DEC 07 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X  
WINSTON JOHNSON, JR.,

Plaintiff,

ORDER

09 CV 2758 (ILG) (SMG)

-against-

WILLIAM DUMPHY, JOSEPH JIROVEC,  
ALLESANDRO CERCIELLO, JOSEPH  
DeSIMONE, RONALD BARONE and  
CHRISTOPHER BARONE,

Defendants.

-----X  
GLASSER, United States District Judge:

A Report and Recommendation of Magistrate Judge Gold, dated November 14, 2011, recommended that defendants Cerciello and Dumphy be held jointly and severally liable under 42 U.S.C. § 1981 and that the plaintiff be awarded \$100,000 in damages against them, comprised of \$75,000 in compensatory damages and \$25,000 in punitive damages. He further recommended that plaintiff's claims against defendants Joseph Jirovec, Ronald Barone and Christopher Barone be dismissed. Any objections were to be made within fourteen days and in any event no later than December 1, 2011. Failure to do so may waive the right to appeal. As of this date, no objection has been filed.

The Report and Recommendation, which thoroughly reviewed the facts is, after due consideration, hereby adopted in its entirety. Accordingly, it is hereby ordered that judgment be entered against the defendants Cerciello and Dumphy, jointly and severally in the amount of \$75,000 in compensatory damages and \$25,000 in punitive damages for a total judgment of \$100,000. Plaintiff's claims against defendants Joseph Jirovec, Ronald Barone and Christopher Barone are dismissed. Plaintiff is directed to serve

copies of this Order upon defendants Cerciello and Dumphy at their last known addresses, and to file proof of service with the Court.

SO ORDERED.

Dated: Brooklyn, New York  
December 6, 2011

S/ILG  
\_\_\_\_\_  
I. Leo Glasser